

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.12512 of 2004 (O&M)
Date of decision: December 1, 2006.

NK (TS) Harbans Singh

...**Petitioner(s)**

v.

Union of India & Ors.

...**Respondent(s)**

Present: Shri Bhim Sen Sehgal, Advocate for the petitioner.

Mrs. Daya Chaudhary, Asstt. Solicitor General of India,
for the respondents.

Surya Kant, J. (Oral)

CM No.16215 of 2006

Notice to Learned Counsel for the respondents.

Mrs. Daya Chaudhary, learned Assistant Solicitor General of
India, accepts notice.

As agreed by Learned Counsel for the parties, the main case is
taken on Board for final disposal.

C.M. stands disposed of.

Re: Petition

In this writ petition, a writ in the nature of mandamus has been
sought by the petitioner to command the respondents to grant him Disability
Element of Pension from the date he was invalidated, i.e. 1.7.1998 onwards
for life by computing the disability percentage to be 50% minimum in

accordance with the instructions dated 7.2.2001 and dated 16.5.2001 issued by the Government of India. A writ in the nature of *certiorari* has also been sought for quashing of the order dated 27.2.2003 (Annexure P4) as well as the order dated 24.3.2003 (Annexure P5) whereby the petitioner's claim for the grant of disability element of pension on the basis of re-assessed disability of the petitioner, has been turned down.

Learned Counsel for the petitioner submits that similar controversy raised before this Court in CWP No.9979 of 2005 (**Nb. Sub. Ravinder Kumar v. Union of India**), which has since been allowed by a Division Bench of this Court vide judgment dated 17.8.2006, a copy of which has appended as Annexure P-1 with CM Application No.16215 of 2006.

Learned Counsel for the respondents has fairly stated that the issues raised in this writ petition are squarely answered in favour of the petitioner by the above stated Division Bench in **Naib Subedar Ravinder Kumar**'s case (*supra*).

Accordingly, and for the reasons mentioned in the aforesaid Division Bench judgment, this petition is also allowed in the same terms. However, it is directed that the petitioner shall be entitled for the consequential arrears of pension for 38 months preceding the date of filing of the writ petition. The necessary relief shall be granted to the petitioner within two months from the date of receipt of a certified copy of this order.

December 1, 2006.
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[**Surya Kant**]
Judge